

## REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, June 8, 1939.

The City Council convened in regular session, at the regular meeting place in the Council Chamber of the Municipal Building, on Thursday, June 8, 1939, at 10:50 A.M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Chas. F. Alford, Simon Gillis, Mayor Tom Miller, Councilman Oswald G. Wolf; absent, Councilman G. M. Bartholomew.

The reading of the Minutes was dispensed with.

Jack Sparks, Attorney for J. G. Burr, Jr., and wife, Mary Helen Burr, submitted a petition asking that the property at the southeast corner of West 34th Street and Scenic Drive, which property petitioners propose to purchase, be rezoned so as to permit the erection thereon of a club house and riding stables. The matter was referred to the Board of Adjustment for recommendation, and a public hearing on same was called for Thursday, June 29, 1939, at 11:00 A. M.

E. T. Lorey submitted a petition asking for an extension of the sewer lines to northwest Austin. The matter was referred to the City Manager and the Superintendent of the Sewer Division, and Mr. Lorey was requested to submit a list showing the number of houses that will actually be built in that locality at the present time.

Councilman Alford introduced the following ordinance:

AN ORDINANCE REPEALING THAT CERTAIN ORDINANCE ENTITLED, "AN ORDINANCE REGULATING THE SOLICITING OF ADVERTISING AND SUBSCRIPTION CONTRACTS, ALMS OR GIFTS FOR CHARITABLE, PATRIOTIC OR PHILANTHROPIC PURPOSES, AND THE SOLICITATION OF FUNDS BY TELEPHONE; AND THE PROMOTION OR PARTICIPATION IN ENTERTAINMENTS, FAIRS OR BAZAARS FOR CHARITY, PATRIOTISM OR PHILANTHROPY; AND THE SOLICITATION OR ACCEPTANCE OF GIFTS OF PROPERTY FOR ETHICAL, EVANGELISTIC, RELIGIOUS OR MISSIONARY PURPOSES, EXCEPT BY ORGANIZATIONS ON THEIR OWN PREMISES; AND THE HOLDING OF RUMMAGE SALES AND THE SELLING OR OFFERING FOR SALE OF PROPERTY GIVEN FOR SALE FOR CHARITY, PATRIOTISM OR PHILANTHROPY; REQUIRING THE FILING OF APPLICATIONS AND OBTAINING OF PERMITS FOR ALL SUCH SOLICITATION, PROMOTION AND OTHER ACTIVITIES; MAKING IT UNLAWFUL TO OBTAIN ALMS OR GIFTS BY MISREPRESENTATION; DEFINING THE WORD 'PERSON'; PRESCRIBING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A SAVING CLAUSE FOR VALID PORTIONS OF THE ORDINANCE; REPEALING CONFLICTING ORDINANCES, AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL ON APRIL 13, 1939, AND IS RECORDED IN BOOK "K", PAGES 493-496, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Alford moved that the rule be suspended and the ordinance be passed to its second reading. The motion was seconded by Councilman Gillis, and the same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

The ordinance was read the second time and Councilman Alford moved that the rule be further suspended and the ordinance be passed to its third reading. The motion was seconded by Councilman Gillis, and the same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none, Councilman Bartholomew absent.

The ordinance was read the third time and Councilman Alford moved that the ordinance be finally passed. The motion was seconded by Councilman Gillis, and the same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

The Mayor announced that the ordinance had been finally passed.

Mrs. H. B. Odell submitted a request that Johnson Creek be opened and cleared of debris. The matter was referred to the City Manager for attention.

Councilman Wolf moved that the City Attorney be instructed to prepare the necessary ordinance changing the zoning of the property at the corner of West 24th and Leon Streets, from "A" Residence District to "B" Residence District. The motion prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

Councilman Wolf introduced the following resolution and moved its adoption. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

Mayor Miller announced that the resolution had been finally passed.

The resolution is as follows:

WHEREAS, Guiton Morgan, City Manager, in general charge of Public Works Administration projects, and G. S. Moore, in direct charge of Docket Number Texas 1847-1-P-F, being the project for the construction of Electric Power Plant and System Improvements, have reported that the contract for the construction of street lights for the City of Austin has been completed by Fritz Ziebarth, General Contractor, in accordance with the approved plans and specifications and in compliance with the rules and regulations of the Administration of Public Works, and in a manner acceptable to the PWA Resident Engineer Inspector, and have recommended to the City Council the acceptance of the contract and the payment of the final estimate due thereon as outlined in the letter of recommendation for acceptance by G. S. Moore; and

WHEREAS, the City Council has inspected said contract and the works thereunder and is of the opinion that same should be finally accepted; and

WHEREAS, J. M. Odom, sub-contractor for Fritz Ziebarth, has filed with the City a statement that he has not received full compensation from Fritz Ziebarth for services rendered under the sub-contract; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT said contract and the works thereunder is hereby accepted as completed and the City Manager be and is hereby authorized and directed to approve the final estimate and to issue warrants in payment thereof, provided that the sum of \$1,353.42 shall be retained in trust until the disputed claim made by J. M. Odom against Fritz Ziebarth has been settled in court or by mutual agreement of the parties concerned.

"Austin, Texas  
June 8, 1939  
Docket Texas 1847-1-P-F-1  
Street Lighting

Mr. Guiton Morgan  
City Manager  
Austin, Texas

Dear Mr. Morgan:

A final inspection has been made by Paul A. Conrad, Inspector, Mr. J. V. Curnutte, PWA Resident Engineer Inspector, and the undersigned on the above referred contract. This contract is held by Fritz Ziebarth, General Contractor.

The inspection made on May 29, 1939, and prior inspections show that all of the work covered by the contract has been completed in accordance with the plans and specifications and I recommend that the job be accepted at this time and that final payment be made the contractor, provided that a sum of \$1,353.42 be retained by the City in trust, which sum is in the amount of a claim made by J. M. Odom, sub-contractor, against Fritz Ziebarth, General Contractor.

One under-payment non-compliance and several apprentice non-compliances have all been adjusted and cleared by letter from Mr. E. A. Huebner, Resident Engineer Inspector.

Respectfully submitted

G. S. Moore  
Supervising Engineer.

Councilman Wolf introduced the following resolution and moved its adoption. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

The Mayor announced that the resolution had been finally passed.

The resolution is as follows:

WHEREAS, Guiton Morgan, City Manager, in general charge of Public Works Administration projects, and G. S. Moore, in direct charge of Docket Number Texas 1547-2-F, being the project for the construction of Waterworks Improvements, have reported that the contract for the construction of water lines for the City of Austin has been completed by Brown & Root, Inc., General Contractors, in accordance with the rules and regulations of the Administration of Public Works, and in a manner acceptable to the PWA Inspector, and have recommended to the City Council the acceptance of the contract and the payment of the final estimate due thereon; and

WHEREAS, the City Council has inspected said contract and the works thereunder, and is of the opinion that same should be finally accepted; and

WHEREAS, a final test on 1933' of 24" cast iron pipe, being a part of this contract, has not been made; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT said contract and the works thereunder is hereby accepted as completed, and the City Manager be and is hereby authorized and directed to approve the final estimates and to issue warrants in payment thereof, provided that the sum of \$400 shall be retained in trust until all pipe has attained the maximum leakage permitted in accordance with the test requirements of the specifications.

" Austin, Texas  
June 6, 1939

Docket Texas-1547-2-F-  
2  
Water Line Extensions

Mr. Guiton Morgan  
City Manager  
Austin, Texas

Dear Mr. Morgan:

A final inspection has been made by Mr. Victor R. Schmidt, Inspector; Mr. A. R. Davis, Superintendent of the Water Department; and Mr. J. V. Gurnutte, PWA Resident Engineer Inspector, on the Water Line Extensions. This contract is held by Brown & Root, Inc., General Contractors.

This inspection showed that all of the work covered by the contract has been completed in accordance with the plans and specifications, except that a final test has not been made on 1933' of 24" cast iron pipe. This test is being made at this time and I am advised by the Inspector that the test is progressing satisfactorily. I recommend that the job be accepted at this time, but that \$400 be retained to cover any expense that may arise in connection with necessary work incidental to repairs in connection with making the line meet the full test requirements.

There have been no non-compliances on this contract.

Respectfully submitted,

G. S. Moore  
Supervising Engineer.

Councilman Alford introduced the following resolution and moved its adoption. The motion was seconded by Councilman Gillis, and the same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

The Mayor announced that the resolution had been finally passed. The resolution is as follows:

WHEREAS, the City of Austin has received a grant from the Public Works Administration on a project known as Docket Texas 1547-2-F, Waterworks Improvements; and

WHEREAS, the latest approved estimate for the project contains insufficient funds in the Construction Account for contemplated changes in construction; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Manager be and is hereby authorized and instructed to prepare a project change order request transferring the amount of \$400.00 from the Engineering Fund to the Construction Fund and submit such project change order request to the Public Works Administration for approval.

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Councilman Alford introduced the following resolution:

WHEREAS, Edgar Wuest, acting by and through Lee M. Smith, Architect, owner of a portion of the south one-half of Block "D" of Raymond's Addition, Outlot 2, Division "Z" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which property is located on the north side of West Sixth Street at a location west of Ruiz Street, and being locally known as 1012 West Sixth Street, has made application to the City Council of the City of Austin for permission to set the curb back from the established curb line on the north side of West Sixth Street adjacent to the above described property, thereby relieving traffic conditions by creating a greater width of travelway on West Sixth Street; and

WHEREAS, a plan has been prepared showing the proposed layout of the above described curb setback and said plan has been considered and approved by the City Council of the City of Austin; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT permission is hereby granted Edgar Wuest, acting by and through Lee M. Smith, Architect, owner of a portion of the south one-half of Block "D" of Raymond's Addition, Outlot 2, Division "Z", of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which property is located on the north side of West Sixth Street at a location west of Ruiz Street, to set the curb back from the established curb line on West Sixth Street adjacent to the above described property.

Permission to construct the above described curb setback is granted subject to the same's being constructed in accordance with the plan approved by the City Engineer of the City of Austin, which plan is hereto attached marked 2-C-505 and made a part hereof, and in accordance with the following conditions:

(1) That the construction of the setback area on West Sixth Street shall be carried out in accordance with the accompanying plan marked 2-C-505 and that all such widened areas, driveways or ramps and curbs shall be constructed of concrete at the expense of the applicant.

(2) That all such concrete shall be not less than 6 inches in thickness and shall be of the following proportions: 1 part cement, 2½ parts of sand, and 4 parts of screened gravel or rock.

(3) That the concrete curbs adjacent to the sidewalk area shall be not less than 6 inches high and that an expansion joint not less than ¾ inch thick shall be placed between the curb and the sidewalk as shown on the plan hereto attached marked 2-C-505.

(4) That all such expansion joints shall be of the pre-moulded type.

(5) That all concrete work within the street area shall be done by a bonded sidewalk contractor.

(6) That the applicant shall be required to clean the newly created ramp area at least twice per week and shall dispose of the debris at his expense.

(7) That all work shall be done in accordance with lines and grades furnished by the Engineering Department of the City of Austin and under the direction of the City Engineer.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

Councilman Alford introduced the following ordinance:

AN ORDINANCE AMENDING IN THE CERTAIN PARTICULARS HEREINAFTER STATED AN ORDINANCE ENTITLED, "AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN; AND REGULATING AND DISTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES; THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE INDUSTRY, RESIDENCES AND OTHER PURPOSES; AND DIVIDING THE CITY OF AUSTIN INTO DISTRICTS OR ZONES; AND REGULATING AND DISTRICTING THE ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR AND USE OF BUILDINGS, STRUCTURES OR LAND WITHIN SUCH DISTRICTS OR ZONES; AND PROVIDING UNIFORM REGULATIONS FOR THE SEVERAL CLASSES AND KINDS OF BUILDINGS OR STRUCTURES AND USES WITHIN THE DISTRICTS OR ZONES; AND ADOPTING TWO ZONING MAPS, DISCLOSING RESPECTIVELY THE SEVERAL USE DISTRICTS AND THE SEVERAL HEIGHT AND AREA DISTRICTS, AND THE RESTRICTIONS AND LIMITATIONS AND PROVISIONS APPLICABLE TO SUCH DISTRICTS; AND PROVIDING FOR A BOARD OF ADJUSTMENT, AND DEFINING THE POWERS OF SAME; AND PROVIDING CERTAIN PENALTIES AND REMEDIES; AND DECLARING AN EMERGENCY. "

The ordinance was read the first time and Councilman Wolf moved that the rule be suspended and the ordinance be passed to its second reading. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

The ordinance was read the second time and Councilman Wolf moved that the rule be further suspended and the ordinance be passed to its third reading. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

The ordinance was read the third time and Councilman Wolf moved that the ordinance be finally passed. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

The Mayor announced that the ordinance had been finally passed.

Councilman Alford introduced the following resolution:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be, and the same is hereby, permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in EAST 21ST STREET from Swisher Street westerly 136 feet, the centerline of which gas main shall be 18 feet south of and parallel to the north line of said East 21st Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(2) A gas main in ALAMEDA DRIVE southerly 64 feet from a point 168 feet south of the south line of Fairmount Avenue, the centerline of which gas main shall be 18 feet west of and parallel to the east line of said Alameda Drive.

Said gas main described above shall have a covering of not less than 2½ feet.

(3) A gas main in ROSEDALE AVENUE southerly 179 feet from a point 170 feet south of the south line of West 47th Street, the centerline of which gas

main shall be  $7\frac{1}{2}$  feet east of and parallel to the west line of said Rosedale Avenue.

Said gas main described above shall have a covering of not less than  $2\frac{1}{2}$  feet.

(4) A gas main in CANADIAN STREET across Santa Rita Street intersection, the centerline of which gas main shall be  $13\frac{1}{2}$  feet east of and parallel to the west line of said Canadian Street.

Said gas main described above shall have a covering of not less than  $2\frac{1}{2}$  feet.

(5) A gas main in SANTA RITA STREET from Canadian Street easterly to a point 50 feet east of the east line of Prowse Lane, the centerline of which gas main shall be 6 feet south of and parallel to the north line of said Santa Rita Street.

Said gas main described above shall have a covering of not less than  $2\frac{1}{2}$  feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is out in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Engineer and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

Councilman Wolf introduced the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the sum of \$2,125.00 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of purchasing a site for the new Tenth Ward Fire Station, the property to be purchased from Mrs. Joe Callan and Mrs. M. S. Hergotz, being  $94' \times 135'$ , located at the intersection of Second and Chicon Streets, in the City of Austin.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

Councilman Wolf moved that Edgar Lee Nichols, 1700 Sabine Street, and Harold Linder Furlow, 301 East 14th Street, be granted taxicab driver's permits, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

Mayor Miller introduced the following resolution:

WHEREAS, The week of June 11-18 has been designated throughout our Nation as

"Flag Week," and Tuesday, June 14, as "Flag Day"; and

WHEREAS, In view of the turmoil existing in Europe today, every American citizen should feel proud and grateful that our Nation is so well preserved; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT, in observance of the aforementioned occasion, we, in our individual capacities and on behalf of the citizens of this City, pay tribute to our beloved flag and all that it represents of freedom and democracy.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

Upon motion, seconded and carried, the meeting was recessed at 11:30 A. M., subject to call of the Mayor.

Approved: Tom Miller  
Mayor

Attest:

Hallie McKeen  
City Clerk.

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, June 15, 1939.

The City Council of the City of Austin, Texas, convened in regular session, at the regular meeting place in the Municipal Building, on June 15, 1939, at 10:30 A.M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Chas. F. Alford, C. M. Bartholomew, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf; absent, NONE.

The reading of the Minutes was dispensed with.

A committee from the Austin Lulac Council No. 85 presented a petition asking that separate wards be provided at Brackenridge Hospital for Mexicans and Negroes. The matter was taken under advisement.

A committee of citizens presented a petition from the citizens of North East Austin, asking that storm and sanitary sewers be provided for that section of the City. The petition was received, and the committee was advised that this work was listed as a WPA Project and would be done this fall.

Mrs. Louis Ramella, 400 Rio Vista Street, submitted a complaint against the continuous operation of a gravel pit on the Colorado River bank between Arlington and Atlanta Streets. The matter was referred to the Legal Department to determine what relief, if any, could be given.

The Mayor announced that, in accordance with published notice thereof, the public